

2015 Regular Session of the Kentucky General Assembly
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Senate Bills:

SB 39 (Sen. Wilson) – requires local schools to prepare emergency plans and identify the best available severe weather safe zones in consultation with local and state safety officials and by utilizing relevant information provided by the National Weather Service and the Federal Emergency Management Agency in identifying the best available severe weather safe zones. The bill removes language requiring the local fire marshal or fire chief to review severe weather safe zones.

SB 62 (Sen. Schickel) – provides that for any individual hired or elected to office before January 1, 2015, and paid through the Kentucky Human Resources Information System (KHRIS), the Personnel Cabinet must not require payroll payments to be made by direct deposit or require the individual to use a web-based program to access his or her salary statement.

SB 119 (Sen. Adams) – contains two provisions, the first dealing with child neglect and abuse and the other addressing school calendars.

Child Neglect

The bill requires the Kentucky Department of Education (KDE) to develop and maintain a list of approved comprehensive evidence-informed trainings on child abuse and neglect prevention, recognition, and reporting.

Trainings must be web-based or in-person and must cover:

- Recognizing child physical, sexual, and emotional abuse and neglect;
- Reporting suspected child abuse and neglect in Kentucky as required by KRS 620.030 and the appropriate documentation;
- Responding to the child; and
- Understanding the response of child protective services.

The trainings must include a questionnaire or other basic assessment tool upon completion to document basic knowledge of training components.

Each local school board must adopt one (1) or more trainings from the list approved by KDE to be implemented by schools.

All current school administrators, certified personnel, office staff, instructional assistants, coaches and extracurricular sponsors who are employed by the school district must complete the implemented training or trainings by January 31, 2017, and then every two (2) years thereafter.

All school administrators, certified personnel, office staff, instructional assistants, coaches and extracurricular sponsors who are employed by the school district hired after January 31, 2017, must complete the implemented training or trainings within ninety (90) days of being hired and then every two (2) years thereafter.

School Calendars (EMERGENCY Provision)

Also, the legislation includes the exact same “calendar relief” language that was enacted during the [2014 Regular Session in House Bill 211](#).

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The calendar provisions apply only to the 2014-2015 academic year and are in effect immediately.

By June 5, 2015, school districts must complete 1,062 instructional hours. If a district cannot do so, they may go beyond the June 5 relief date set by the General Assembly to trigger the waiver process.

The district must request assistance from the commissioner of education by May 1, 2015, to determine a plan for maximizing instructional time to complete 1,062 instructional hours by June 5, 2015.

If, after providing planning assistance to the school district, the commissioner of education determines the school district has maximized instructional time but cannot complete 1,062 hours by June 5, 2015, the commissioner must waive the remaining instructional hours required.

A local board of education may submit a plan to KDE demonstrating how 1,062 instructional hours will be completed, and the plan must be approved.

For the 2014-2015 school year, students must receive a minimum of 1,062 instructional hours (less the amount of instructional time waived as provided in this law).

A school district may reach 1,062 instructional hours by adding time to the day, but cannot exceed seven hours of instructional time.

- A district may be open on the day of a primary election if no school in the district is used as a polling place.
- A school district cannot schedule any instructional days on Saturdays.
- A school district may schedule graduation ceremonies before the final instructional day.

For the 2014-2015 school year, school district certified and classified personnel must complete all contract days by participating in instructional activities or professional development or by being assigned additional work responsibilities.

KDE must make a report to the Interim Joint Committee (IJC) on Education by October 15, 2015, on how school districts completed the 1,062 instructional hours.

SB 192 (Sen. Hornback) – **(EMERGENCY Provision)** provides numerous changes to statutes related to heroin treatment. This includes provisions for school employees to administer naloxone.

The legislation includes that a person or agency, or a school employee authorized to administer medication under KRS 156.502, may:

- Receive a prescription for the drug naloxone;
- Possess naloxone and any equipment needed for its administration; and
- Administer naloxone to an individual suffering from an apparent opiate-related overdose.

A person acting in good faith who administers naloxone received under these conditions will be immune from criminal and civil liability for the administration, unless personal injury results from the gross negligence or willful or wanton misconduct of the person administering the drug.

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The Board of Pharmacy, in consultation with the Kentucky Board of Medical Licensure, must promulgate administrative regulations to establish certification, educational, operational, and protocol requirements.

Administrative regulations promulgated must:

- Require that any dispensing be done only in accordance with a physician-approved protocol and specify the minimum required components of any such protocol;
- Include a required mandatory education requirement as to the mechanism and circumstances for the administration of naloxone for the person to whom the naloxone is dispensed; and
- Require that a record of the dispensing be made available to a physician signing a protocol under this subsection, if desired by the physician.

Administrative regulations promulgated may include:

- A supplemental educational or training component for a pharmacist seeking certification; and
- A limitation on the forms of naloxone and means of its administration that may be dispensed.

The board of each local public school district and the governing body of each private and parochial school or school district may permit a school to keep naloxone on the premises and regulate the administration of naloxone to any individual suffering from an apparent opiate-related overdose.

In collaboration with local health departments, local health providers, and local schools and school districts, the Kentucky Department for Public Health must develop clinical protocols to address supplies of naloxone kept by schools and to advise on the clinical administration of naloxone.

SB 193 (Sen. Stivers) – allows the executive director of the Office of Financial Management to recommend to the secretary of the Finance and Administration Cabinet, as a managing underwriter, the Kentucky underwriter which received the highest score for specific bond transactions.

Kentucky co-managing underwriters must be selected pursuant to a request for proposals. National co-managing underwriters must be selected pursuant to an administrative regulation. For specific bond transactions, the executive director may recommend to the secretary of the Finance and Administration Cabinet, as a managing underwriter, the Kentucky underwriter which received the highest score for its proposal. Co-managing underwriters selected must provide their services to a bond issuing agency as needed over the appropriate period of time stated.

If the executive director of the Office of Financial Management recommends to the secretary of the Finance and Administration Cabinet a Kentucky underwriter as described and the secretary orders that procurement proceed pursuant to KRS 45A.857, the requirements, review, and recommendation of the Capital Projects and Bond Oversight Committee as provided by KRS 45.810 must apply.

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SB 201 (Sen. Higdon) – requires each local school board to address through local board policy that tuition charged to a student who is allowed to enroll in a primary school program before meeting the age requirement is the same as the tuition charged to a student who meets the age requirement. The language also clarifies that students enrolled before meeting the age requirement are required to be included in the school's average daily attendance for purposes of SEEK funding.

SJR 78 (Sen. Bowen) – designates honorary names for various roads and bridges to remain in place for at least one year from the date of placement.

- Pulaski County Maroons, the 2014 KHSAA Class 5A state football champions, by erecting signs entering Pulaski County, at the Pulaski County/Laurel County line on Kentucky Route 80 and at the Pulaski County/Lincoln County line on United States Highway 27, that read "Home of the Pulaski County Maroons 2014 KHSAA Class 5A State Football Champions."
- Southwestern High School Cheerleading Team, by erecting signs entering Pulaski County, at the Pulaski County/Russell County Line on the Cumberland Parkway and at the Pulaski County/McCreary County line on United States Highway 27, that read "Home of Southwestern High School 2013 & 2015 UCA National High School Cheerleading Champions."
- Gatton Academy by erecting signs on Interstate 65 in both directions at the Warren County line that read, "Home of the Carol Martin Gatton Academy, Newsweek Magazine's #1 Public School in America, 2012-2014."
- Connor Patterson by erecting signs on United States Route 150 entering Lincoln County, at the Boyle County line and the Rockcastle County line that read "Home of Connor Patterson 2014 National Archery Champion."
- Zetta Morgan by erecting signs on Kentucky Route 192 Bypass in Laurel County that read, "Zetta Morgan, 4-H Foods Demonstration, KY State Champion, 2014-15."

SR 163 (Sen. Seum) – Board of Education, confirmation, William L. Twyman.

SR 164 (Sen. Seum) – Board of Education, confirmation, Jonathan V. Parrent.

SR 165 (Sen. Seum) – Board of Education, confirmation, Debra L. Cook.

SR 166 (Sen. Seum) – Board of Education, confirmation, Grayson R. Boyd.

SR 167 (Sen. Seum) – Board of Education, confirmation, Roger Lee Marcum.

SR 168 (Sen. Seum) – Board of Education, confirmation, Mary Gwen Wheeler.

SR 169 (Sen. Seum) – Board of Education, confirmation, Nawanna B. Privett.

SR 194 (Sen. Seum) – Board of Education, confirmation, Samuel D. Hinkle IV.

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House Bills

HB 8 (Rep. Tilley) – (**EFFECTIVE January 1, 2016**) allows persons to petition for interpersonal protective orders when the person has been the victim of domestic violence and abuse, dating violence and abuse, sexual assault, or stalking. The legislation permits relief to victims of “interpersonal violence.” Courts will not be permitted to intervene in relationships that do not approach “quasi-marriage” or have emblements, such as children.

A petition for an order of protection may be filed by:

- (1) A victim of domestic violence and abuse; or
- (2) An adult on behalf of a victim who is a minor otherwise qualifying for relief.

The petition may be filed in the victim's county of residence or a county where the victim has fled to escape domestic violence and abuse.

Prior to or at a hearing on a petition for an order of protection:

- If the petitioner or respondent is a minor, the court must inquire whether the parties attend school in the same school system to assist the court in imposing conditions in the order that have the least disruption in the administration of education to the parties while providing appropriate protection to the petitioner.

Following a hearing if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order restraining the adverse party from:

- Committing further acts of domestic violence and abuse;
- Any unauthorized contact or communication with the petitioner or other person specified by the court;
- Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
- Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
- Disposing of or damaging any of the property of the parties.

In imposing a location restriction described above, the court must:

- Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
- Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
- Specifically describe in the order the locations or areas prohibited to the respondent; and
- Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.

"Dating relationship" is defined to mean a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context.

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The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:

- Declarations of romantic interest;
- The relationship was characterized by the expectation of affection;
- Attendance at social outings together as a couple;
- The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
- The length and recency of the relationship; and
- Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed.

"Dating violence and abuse" is defined to mean physical injury, serious physical injury, stalking, sexual assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault occurring between persons who are or have been in a dating relationship.

A petition for an interpersonal protection order may be filed by:

- A victim of dating violence and abuse;
- A victim of stalking;
- A victim of sexual assault; or
- An adult on behalf of a victim who is a minor otherwise qualifying for relief.

The petition may be filed in the victim's county of residence or a county where the victim has fled to escape dating violence and abuse, stalking, or sexual assault.

Prior to or at a hearing on a petition for an interpersonal protective order:

- The court may obtain the respondent's Kentucky criminal and protective order history and utilize that information to assess what relief and which sanctions may protect against danger to the petitioner or other person for whom protection is being sought, with the information so obtained being provided to the parties in accordance with the Rules of Civil Procedure; and
- If the petitioner or respondent is a minor, the court must inquire whether the parties attend school in the same school system to assist the court in imposing conditions in the order that have the least disruption in the administration of education to the parties while providing appropriate protection to the petitioner.

Following a hearing, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order restraining the adverse party from:

- Committing further acts of dating violence and abuse, stalking, or sexual assault;
- Any unauthorized contact or communication with the petitioner or other person specified by the court;
- Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
- Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
- Disposing of or damaging any of the property of the parties.

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- Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
- Specifically describe in the order the locations or areas prohibited to the respondent; and
- Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.

HB 47 (Rep. Yonts) – adds the Kentucky Teachers' Retirement System to the Public Pension Oversight Board's review responsibilities.

HB 62 (Rep. Yonts) – any employer participating in the Kentucky Employees Retirement System (KERS) or the County Employees Retirement System on (CERS) July 1, 2015, may:

- Voluntarily cease participation in its respective retirement system subject to specific requirements and restrictions; or
- Be required to involuntarily cease participation in the system if the board of trustees of the Kentucky Retirement Systems has determined the employer is no longer qualified to participate in a governmental plan or has failed to comply with statutory provisions.

If an employer desires to voluntarily cease participation in the KERS or CERS:

- The employer must adopt a resolution requesting to cease participation in the system and must submit the resolution to the board for its approval;
- The cessation of participation in the system must apply to all employees of the employer;
- The employer must pay for all administrative costs of an actuarial study to be completed by the KRS consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board.

The employer:

- Must provide an alternative retirement program for employees who will no longer be covered by the system, which may include a voluntary defined contribution plan; and
- Must pay to the system the full actuarial cost of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required.
 - The full actuarial cost must not include any employee who seeks a refund of his or her account balance within sixty (60) days of the employer's effective cessation date.
 - An employee's election to receive a refund of his or her account balance within sixty (60) days of the employer's effective cessation date is an irrevocable waiver of the right to obtain service credits for the time worked for the employer ceasing participation.
 - The full actuarial cost may be paid by lump-sum payment or in installment payments to the system.
 - The actuarial cost must be fixed, and the employer must not be subject to any increases or subsequent adjustments, once the lump sum is paid or the first installment payment is made.

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If the employer elects to pay the full actuarial cost in installment payments, the employer must, as determined by the board:

- Pay installment payments over a time period determined by the board, not to exceed twenty (20) years;
- Be charged interest over the life of the installment period, at the actuarially assumed rate of return; and
- Provide adequate security in any relevant real estate, chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letters of credit rights, and money. In order to ensure security provided is adequate:
 - A detailed financing statement must be provided to KRS's board listing all assets to be used as security and the value certified by a licensed attorney;
 - Security interest must be a perfected interest in accordance with provisions set forth in KRS Chapter 355 and subject to approval of the board; and
 - The perfected security interest must attach until the amount owed is paid in full.

The board may file an action in the Franklin Circuit Court to collect money owed and to attach so much of the general fund or adequate security of the delinquent employer as is necessary to ensure payment of any installment payments owed.

If the board determines an employer must involuntarily cease participation in the system:

- The cessation of participation in the system must apply to all employees of the employer;
- The employer must pay for all administrative costs of an actuarial study to be completed by the KRS's consulting actuary and for any other administrative costs for discontinuing participation in the system as determined by the board; and
- The employer must pay to the system the full actuarial cost of the benefits accrued by its current and former employees in the system as determined separately for the pension fund and the insurance fund by the actuarial study required.
 - The full actuarial cost must not include any employee who seeks a refund of his or her account balance within sixty (60) days of the employer's effective cessation date.
 - An employee's election to receive a refund of his or her account balance within sixty (60) days of the employer's effective cessation date is an irrevocable waiver of the right to obtain service credits for the time worked for the employer ceasing participation.
 - The full actuarial cost may be paid by lump-sum payment or in installment payments to the system.
 - The actuarial cost must be fixed, and the employer must not be subject to any increases or subsequent adjustments, once the lump sum is paid or the first installment payment is made.

If the employer elects to pay the full actuarial cost in installment payments, the employer must, as determined by the board:

- Pay installment payments over a time period determined by the board, not to exceed twenty (20) years;
- Be charged interest over the life of the installment period at the actuarially assumed rate of return; and
- Provide adequate security in any relevant real estate, chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letters of credit rights, and money. In order to ensure security provided is adequate:

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- A detailed financing statement must be provided to the KRS's board listing all assets to be used as security and the value certified by a licensed attorney;
- Security interest must be a perfected interest in accordance with provisions set forth in KRS Chapter 355 and subject to approval of the board; and
- The perfected security interest must attach until the amount owed is paid in full.

The board may file an action in the Franklin Circuit Court to collect money owed and to attach so much of the general fund or adequate security of the delinquent employer as is necessary to ensure payment of any installment payments owed.

Any employee hired on or after the employer's effective cessation date by an employer who has ceased participation in the system as provided must not be eligible to participate in the KERS or CERS through the employer that ceased participation for the duration of his or her employment with that employer (regardless of his or her membership date in the systems administered by KRS).

If an employer has ceased participation in the system as provided:

- The rights of recipients and the vested rights of inactive members accrued as of the employer's effective cessation date must not be impaired or reduced in any manner as a result of the employer ceasing participation in the system; and
- Employees of the employer ceasing participation must accrue benefits through the employer's effective cessation date but must not accrue any additional benefits in the KERS or CERS, including earning years of service credit through the ceased employer, after the employer's effective cessation date for as long as they remain employed by the employer.
- The day after the employer's effective cessation date, each employee must be considered an inactive member with respect to his or her employment with the employer that ceased participation and, subject to the provisions and limitations must:
 - Retain his or her accounts with KERS or CERS and have those accounts credited with interest;
 - Retain his or her vested rights;
 - Be eligible to take a refund of his or her accumulated account balance or any other available distribution if eligible; and
 - Except for federal tax purposes, be treated as if his or her employment terminated as of the employer's effective cessation date, unless otherwise prohibited by applicable federal tax authority.

KERS employers who are county attorney offices, Commonwealth's attorney offices, local and district health departments governed by KRS Chapter 212, master commissioners, executive branch agencies whose employees are subject to KRS 18A.005 to 18A.200, state-administered retirement systems, state-supported universities and community colleges, property valuation administration offices, or employers in the legislative or judicial branch of Kentucky state government, must not be eligible to voluntarily discontinue participation in KERS unless the employer is a non-stock, nonprofit corporation organized under KRS Chapter 273.

Only the employers in CERS who are a non-stock, nonprofit corporation organized under KRS Chapter 273 may voluntarily cease participation in CERS.

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The full actuarial cost must be determined by the KRS's consulting actuary separately for the pension fund and the insurance fund using the assumptions established by the system as of the most recently completed actuarial valuation and based upon the following methodology:

- For each fund, the systems' consulting actuary must determine the assets at market value that are held in KERS or CERS, as applicable, to cover employer-financed accrued liabilities. The market value of assets of each fund, to the extent sufficient, will be allocated to categories in the following order:
 - Inactive member accumulated account balances;
 - Active member accumulated account balances;
 - Recipient liabilities;
 - Employer-financed inactive member liabilities; and
 - Employer-financed active member liabilities.
- The systems' consulting actuary must apportion the market value of assets in each fund for each category listed to the employer ceasing participation based on the employer's share of each category's liabilities in the fund that are represented by the members and recipients of the employer ceasing participation;
- The systems' consulting actuary must determine the amount of the employer-financed accrued liabilities separately for each fund for all members and recipients of the employer ceasing participation; and
- The full actuarial cost for each fund must be equal to the amount by which the (amount of employer-financed accrued liabilities exceeds the market value of assets in each fund).

KRS must promulgate administrative regulations pursuant to KRS Chapter 13A to administer these requirements.

Any employer who voluntarily ceases participation, or who is required to involuntarily cease participation as provided, must hold the Commonwealth harmless from damages, attorney's fees and costs from legal claims for any cause of action brought by any member or retired member of the departing employer.

"Employer's effective cessation date" means the last day of the system's plan year in the year in which the employer has elected to cease participation in the system, provided the employer has met the requirements of this section and has given KRS sufficient notice as provided by administrative regulations promulgated by the systems.

"Inactive member" means a member who is not participating with the system.

"Active member" means a member who is participating in the system.

"Employer" means the governing body of a department, as defined in the legislation or a county as defined by KRS 78.510.

HB 117 (Rep. Riggs) – allows each local board of education to set aside funds to provide for basic reparation benefits and purchase such limits as the board of education must direct. Local boards of education will only be required to purchase basic reparation benefits as defined in KRS 304.39-020 and as provided in KRS 304.39-010 to 304.39-080. (This provision was **removed** by **HB 525**, signed into law at a later date by the Governor).

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HB 152 (Rep. Rand) – modifies the telecommunications deregulation plan in KRS 278.541. The bill ends most Public Service Commission (PSC) authority over exchanges with 15,000 or more housing units. For less populous exchanges, PSC jurisdiction is reduced and obligation to provide basic local exchange (wireline) service is reduced. The bill provides a utility option to substitute internet protocol or wireless service in some situations and provides that customers in some situations would have the right to reject Internet Protocol (IP) or wireless service and have their wireline restored. Ends PSC jurisdiction over consumer cell phone complaints and jurisdiction over consumer broadband complaints, but retains PSC jurisdiction over wholesale issues, carrier to carrier, and anti-competitive practices.

HB 163 (Rep. Belcher) – provides that effective July 1, 2015, local school districts will not be required to reimburse Kentucky Retirement Systems for retiree health care premiums for reemployed retirees who work less than 80 days a year.

HB 164 (Rep. Pullin) – creates the Voluntary Veterans' Preference Employment Policy Act encouraging private employers to hire veterans and permitting the Education and Workforce Development Cabinet to create a registry of participating employers.

HB 232 (Rep. Adkins) – allows the Craft Academy for Excellence in Science and Mathematics to award a high school diploma and allows the local school district to award a joint diploma with the Craft Academy. Also, includes the Craft Academy in the definitions of dual credit and dual enrollment. Allows students enrolled in the Craft Academy to earn the Kentucky Educational Excellence Scholarship (KEES) and requires the Craft Academy to report data for KEES scholarship purposes.

HB 234 (Rep. Graham) – adds requirements for the Early Childhood Advisory Council to consult with early care and education providers, the Cabinet for Health and Family Services (CHFS), child-care resource and referral agencies, FRYSCs, Head Start agencies, and KDE, when developing the quality-based graduated early care and education program rating system for public-funded licensed child-care and certified family child-care homes, public-funded preschool, and Head Start.

The rating system should assess:

- Classroom and instructional quality;
- Administrative and leadership practices;
- Staff qualifications and professional development; and
- Family and community engagement.

CHFS must consult with the Early Childhood Advisory Council to promulgate regulations to implement:

- The quality-based graduated early childhood rating system for:
 - public-funded child-care and certified family child-care homes,
 - public-funded preschool, and
 - Head Start.
- Agency timeframes of reviews for rating;
- An appellate process under KRS Chapter 13B; and
- The ability of providers to request reevaluation for rating.

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The quality-based early childhood rating system must not be used for enforcement of compliance or in any punitive manner.

The Early Childhood Advisory Council, in consultation with the Kentucky Center for Education and Workforce Statistics, must report by October 1 of each year to the IJC on Education and the IJC on Health and Welfare on the implementation of the quality-based graduated early childhood rating system.

The report must include the following quantitative performance measures as data becomes available:

- Program participation in the rating system;
- Ratings of programs by program type;
- Changes in student school-readiness measures;
- Longitudinal student cohort performance data tracked through student completion of the primary school program; and
- Long-term viability recommendations for sustainability at the end of the Race to the Top Early Learning Challenge Grant.

By November 1, 2017, the Early Childhood Advisory Council and CHFS must report to the IJC on Education and the IJC on Health and Welfare on recommendations and plans for sustaining program quality after the depletion of federal Race to the Top Early Learning Challenge Grant funds.

Any federally funded time-limited employee personnel positions created as a result of the federal Race to the Top Early Learning Challenge Grant must be eliminated upon depletion of the grant funds.

Also, it amends the provisions for the Early Childhood Advisory Council's monetary incentive program to mandate participation in the program of monetary incentives and in the quality rating system by public-funded child-care centers and certified family child-care homes.

The legislation also adds some of the provisions of [SB 72](#) to require child-care centers that provide programs for preschool-aged children to observe.

Specifically, child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and which a child attends for no more than fifteen (15) hours per week must:

- Notify CHFS in writing that the center is operating;
- Meet all child-care center licensure requirements and administrative regulations related to employee background checks;
- Meet all child-care center licensure requirements and administrative regulations related to tuberculosis screenings; and
- Be exempt from all other child-care center licensure requirements and administrative regulations.

Also, child-care centers that provide instructional and educational programs for preschool-aged children that operate for a maximum of twenty (20) hours per week and which a child attends for no more than ten (10) hours per week must be exempt from all child-care licensure requirements and administrative regulations.

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Requires that by November 1, 2017, CHFS and the Early Childhood Advisory Council report to the IJC on Education and the IJC on Health and Welfare on recommendations and plans for sustaining the quality-based graduated early care and education program after the depletion of federal Race to the Top Early Learning Challenge Grant funds.

HB 239 (Rep. Jenkins) – requires that the Kentucky Board of Barbering to issue a probationary license to practice barbering to any person who has graduated from high school, possesses a General Educational Development (GED) certificate, or transcript from an issuing institution that is recognized by the educational authority in the state from which the diploma, certificate, or transcript is issued.

HB 248 (Rep. Marzian) – provides definitions and protocols for administering emergency allergy medication.

Includes definitions:

"Anaphylaxis" means an allergic reaction resulting from sensitization following prior contact with an antigen which can be a life-threatening emergency, including reactions triggered by, among other agents, foods, drugs, injections, insect stings, and physical activity.

"Administer" means to directly apply an epinephrine auto-injector to the body of an individual.

"Authorized entity" means an entity that may at any time have allergens present that are capable of causing a severe allergic reaction and has an individual who holds a certificate on the premises or officially associated with the entity. The term includes but is not limited to restaurants, recreation camps, youth sports leagues, theme parks and resorts, and sports arenas.

"Certified individual" means an individual who successfully completes an approved educational training program and obtains a certificate.

"Epinephrine auto-injector" means a single-use device used to administer a premeasured dose of epinephrine.

"Health-care practitioner" means a physician or other health-care provider who has prescriptive authority.

"Self-administration" means an individual's administration of an epinephrine auto-injector on herself or himself.

A health-care practitioner may prescribe epinephrine auto-injectors in the name of an authorized entity or to a certified individual for use.

A pharmacist may dispense epinephrine auto-injectors pursuant to a prescription issued in the name of an authorized entity or to a certified individual.

The Department for Public Health, the Kentucky Board of Medical Licensure, the Kentucky Board of Nursing, the American Red Cross, or other training programs approved by the Department for Public Health may conduct in-person or on-line training for administering lifesaving treatment to

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persons believed in good faith to be experiencing severe allergic reactions and issue a certificate of training to persons completing the training.

The training must include instructions for recognizing the symptoms of anaphylaxis and administering an epinephrine auto-injector.

An individual who has a certificate may:

- Receive a prescription for epinephrine auto-injectors from a health-care practitioner;
- Possess prescribed epinephrine auto-injectors; and
- In an emergency situation when a physician is not immediately available and the certified individual in good faith believes a person is experiencing a severe allergic reaction regardless of whether the person has a prescription for an epinephrine auto-injector or has previously been diagnosed with an allergy:
 - Administer an epinephrine auto-injector to the person; and
 - Provide an epinephrine auto-injector to the person for immediate self-administration.

An authorized entity that acquires and stocks a supply of epinephrine auto-injectors with a valid prescription must:

- Store the epinephrine auto-injectors in accordance with manufacturer's instructions and with any additional requirements established by the department; and
- Designate an employee or agent who holds a certificate issued under this section to be responsible for the storage, maintenance, and general oversight of epinephrine auto-injectors acquired by the authorized entity.

Any individual or entity who administers or provides an epinephrine auto-injector to a person who is experiencing a severe allergic reaction must contact the local emergency medical services system as soon as possible.

Any individual or entity who acquires and stocks a supply of epinephrine auto-injectors must notify an agent of the local emergency medical services system and the local emergency communications or vehicle dispatch center of the existence, location, and type of the epinephrine auto-injectors acquired if a severe allergic reaction has occurred.

Any individual or entity who, in good faith and without compensation, renders emergency care or treatment by the use of an epinephrine auto-injector must be immune from civil liability for any personal injury as a result of the care or treatment, or as a result of any act or failure to act in providing or arranging further medical treatment, if the person acts as an ordinary, reasonable prudent person would have acted under the same or similar circumstances. (The requirements will not apply to any individual who provides or administers an epinephrine auto-injector if that individual is acting as a Good Samaritan under KRS 313.035 and 411.148.)

The immunity from civil liability for any personal injury includes:

- A health-care practitioner who prescribes or authorizes the emergency use of the epinephrine auto-injector;
- A pharmacist who fills a prescription for the epinephrine auto-injector;
- A certified individual who provides or administers the epinephrine auto-injector;

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- An authorized entity who stores or provides the epinephrine auto-injector to a certified individual or authorized noncertified individual; and
- An individual trainer or training entity providing the certified individual.

The immunity from civil liability will not apply if the personal injury results from the gross negligence or willful or wanton misconduct of the person rendering the emergency care.

HB 260 (Rep. Kay) – repurposes what was the Kentucky Educational Savings Plan endowment trust to provide student financial assistance benefits, and now allows the endowment trust to provide college access programs administered by the Kentucky Higher Education Assistance Authority (KHEAA).

HB 268 (Rep. Donohue) – ***(EMERGENCY Provision)*** – defines "Cambridge Advanced International" to mean the Cambridge Advanced International Certificate of Education Diploma program, an international pre-university curriculum and examination system offered by Cambridge International Examinations at the University of Cambridge.

The bill is retroactive beginning with the 2013-2014 academic year. KHEAA must commit to provide a supplemental award for achievement on examinations for Cambridge Advanced International to an eligible high school student whose family was eligible for free or reduced-priced lunch for any year during high school enrollment.

The supplemental award for Cambridge Advanced International examination scores as follows:

- Two hundred dollars (\$200) for each score of "e";
- Two hundred fifty dollars (\$250) for each score of "c" or "d"; and
- Three hundred dollars (\$300) for each score of "a*", "a", or "b".

HB 298 (Rep. Rand) – ***(EMERGENCY Provision)*** – appropriates to the University of Kentucky from the General Fund \$5,459,000 in fiscal year 2015-2016 for debt service to support General Fund Bonds and authorizes and appropriates \$132,500,000 in Bond Funds in fiscal year 2014-2015 and \$132,500,000 in Restricted Funds in fiscal year 2014-2015 for construction of a Research Building at the University of Kentucky.

All authorizations and appropriations for the capital project must expire on June 30, 2016, unless reauthorized, with the following exceptions:

- A construction or purchase contract for the project is awarded; or
- Permanent financing or a short-term line of credit sufficient to cover the total authorized bonds is obtained if the appropriated project completes an initial draw on the line of credit within the fiscal biennium immediately subsequent to the original bond authorization.

HB 330 (Rep. Pullin) – clarifies the process of appointing a member from the Senate and House of Representatives to the Kentucky State Council for the Interstate Compact on Educational Opportunity for Military Children.

HB 380 (Rep. Schamore) – prohibits the abuse of a classified school employee when the employee is functioning in his or her capacity as a board of education employee.

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HB 429 (Rep. Tilley) – establishes the Kentucky Child Care Advisory Council to be composed of eighteen (18) members. For administrative purposes, the council will be attached to CHFS and the council must advise CHFS on matters affecting the operations, funding, and licensing of child-care centers and family child-care homes. The council must provide input and recommendations for ways to improve quality, access, and outcomes.

The members appointed by the Governor will serve a term of three (3) years.

The appointed members of the council must be geographically and culturally representative of the population.

The members must be as follows:

- The commissioner of CHFS's Department for Community Based Services (DCBS), or designee;
- Four (4) members appointed by the Governor representing child-care center providers licensed pursuant to this chapter;
- Two (2) members appointed by the Governor representing family child-care home providers licensed pursuant to this chapter;
- Three (3) members appointed by the Governor who are parents, de facto custodians, guardians, or legal custodians of children receiving services from child-care centers or family child-care homes licensed pursuant to this chapter;
- Three (3) members appointed by the Governor from the private sector who are knowledgeable about education, health, and development of children;
- The director of the Division of Child Care within DCBS, or designee, as a nonvoting, ex officio member;
- The commissioner of education, Education and Workforce Development Cabinet, or designee, as a nonvoting, ex officio member;
- The executive director of the Governor's Office of Early Childhood, or designee, as a nonvoting, ex officio member;
- The commissioner of the Department for Public Health within the cabinet, or designee, as a nonvoting, ex officio member; and
- The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting, ex officio member.

The council will have two (2) co-chairpersons. One co-chairperson will be the commissioner of DCBS, or designee, and one co-chairperson will be elected by the voting members of the council.

Members must serve until a successor has been appointed. If a vacancy on the council occurs, the Governor must appoint a replacement for the remainder of the unexpired term.

Members must serve without compensation but will be reimbursed for reasonable and necessary expenses in accordance with state travel expenses and reimbursement administrative regulations.

The council will meet at least quarterly and at other times upon the call of the co-chairpersons.

The council will make an annual report by December 1 that provides summaries and recommendations to address the availability, affordability, accessibility, and quality of child care

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in the Commonwealth. A copy of the annual report must be provided to the secretary, the Governor, the Legislative Research Commission (LRC), and the IJC on Health and Welfare.

HB 510 (Rep. Rand) – ***(EMERGENCY Provision)*** – amends the 2014-2016 executive branch biennial budget. It provides that if the General Fund appropriation is not sufficient to fully fund the SEEK Program, including any adjustments for growth in fiscal year 2014-2015, KDE may request up to \$10,000,000 in fiscal year 2014-2015, which must be deemed a necessary government expense and must be paid from the General Fund Surplus Account or the Budget Reserve Trust Fund Account.

HB 525 (Rep. Butler) – deletes the provisions of 2015 Regular Session **HB 117** as enacted which removes the authority for boards of education to set aside funds to provide for reparation benefits.

HCR 89 (Rep. Wuchner) – requests that the LRC create the Government Nonprofit Contracting Task Force to study methods to increase accountability and efficiency in the government contracting process.

The Task Force must study and report on:

- The effect of current laws, regulations, and policies on government funding and procurement opportunities for nonprofit entities that contract with the Commonwealth;
- Any procedures that have been adopted in other states to facilitate a more timely, cost-effective, streamlined, and accountable process for nonprofits that contract with those state governments; and
- The feasibility of eliminating any redundant, unreasonable, or unnecessary laws, regulations, or policies that negatively affect nonprofit government contracting or funding.

The Task Force will consist of the following members, with final membership of the task force being subject to the consideration and approval of the LRC:

- A member of the House of Representatives, to be selected by the Speaker of the House;
- A member of the Senate, to be selected by the President of the Senate;
- A member of the Government Contract Review Committee, to be selected by the Speaker of the House;
- A member of the Government Contract Review Committee, to be selected by the President of the Senate;
- A member of the Program Review and Investigations Committee, to be selected by the Speaker of the House;
- A member of the Program Review and Investigations Committee, to be selected by the President of the Senate;
- The Secretary of the Finance and Administration Cabinet, or designee;
- The Secretary of the Cabinet for Health and Family Services, or designee;
- The Secretary of the Transportation Cabinet, or designee;
- The commissioner of the Department of Education, or designee;
- The executive director of the Kentucky Nonprofit Network, or designee;
- Two Cabinet secretaries approved by the Legislative Research Commission; and
- Four representatives of 501(c)(3) human services organizations, to be selected from a list of eight candidates recommended by the Kentucky Nonprofit Network, approved by the Legislative Research Commission.

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The Speaker of the House of Representatives and the Senate President must each select a co-chair of the task force from the task force legislative members of their respective chambers.

The Legislative Research Commission must staff the task force.

The task force must submit a preliminary report to the Legislative Research Commission and the Governor, and a final report, along with recommendations and any proposed legislation, to the Legislative Research Commission and the Governor by October 31, 2016. The task force must cease to exist upon submission of its final report by October 31, 2016.

Provisions of this resolution to the contrary notwithstanding, the Legislative Research Commission must have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

HJR 100 (Rep. Adkins) – honors the aerospace/aviation products manufacturing industry upon becoming the top exporting industry in the Commonwealth. Directs the Transportation Cabinet, Cabinet for Economic Development, and Commission on Military Affairs to study the economic impact of the overall aerospace/aviation industry in the Commonwealth. The number of Kentucky high schools offering aerospace and aviation programs is at 28.

HCR 168 (Rep. Gooch) – directs the LRC to create the Federal Environmental Regulation Impact Assessment Task Force to study the potential effect of federal environmental regulations on the affordability and reliability of electricity generation in the Commonwealth. The bill also establishes the membership of the task force, which includes the Kentucky School Boards Association.

Membership includes:

- The chair of the House Standing Committee on Natural Resources and Environment to serve as co-chair;
- The chair of the Senate Standing Committee on Natural Resources and Energy to serve as co-chair;
- Two additional members of the Senate, one to be appointed by the President of the Senate, and one to be appointed by the Minority Floor Leader of the Senate;
- Two additional members of the House of Representatives, one to be appointed by the Speaker of the House of Representatives, and one to be appointed by the Minority Floor Leader of the House of Representatives;
- The secretary of the Energy and Environment Cabinet, or designee;
- The secretary of the Cabinet for Economic Development, or designee;
- The executive director of the Public Service Commission, or designee;
- The director of the Division of Emergency Management of the Department of Military Affairs, or designee;
- The president of the Kentucky League of Cities, or designee;
- The president of the Kentucky Association of Counties, or designee;
- The executive director of the Kentucky School Boards Association, or designee;
- The executive director of Kentucky Industrial Utility Customers, or designee;
- The president of the Kentucky Coal Association, or designee;
- The president of the Kentucky Oil and Gas Association, or designee;
- The director of the Center for Applied Energy Research at the University of Kentucky, or designee;
- The director of the Conn Center for Renewable Energy Research at the University of

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Louisville, or designee;

- The president of the Kentucky Association of Manufacturers, or designee;
- The executive director of Community Action Kentucky, or designee;
- The Kentucky state director of the American Association of Retired Persons, or designee; and
- The Kentucky state director of the National Federation of Independent Business, or designee.

The task force must meet at least three times between the effective date of this Resolution and the date that it submits its findings and recommendations to the Legislative Research Commission.

The task force must submit its findings and recommendations to the LRC for referral to the appropriate committee or committees by December 31, 2016.

A majority of the members appointed to the task force may vote to recommend that the Legislative Research Commission hire an outside entity or entities to complete an analysis or study on behalf of the task force relating to the issues contained herein.

NOTE: The Attorney General has opined ([OAG 15-008](#)) that legislation passed during the 2015 Regular Session of the General Assembly, *except for general appropriation measures and those containing emergency or delayed effective date provisions*, will become effective on **June 24, 2015**.